

UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/798,286
Applicant : Kenneth E. Davis et al.
Filed : March 12, 2004
Art Unit : 3744
Examiner : Gene Louis Bankhead
Docket No. : DA V001-082 (IP-889-2003)

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The owner, Whirlpool Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of the prior Patent No. 6,772,601, issued on August 10, 2004, as such term is defined in 35 U.S.C. 154 and 173, and as the term of the said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term said prior patent is presently shortened by any terminal disclaimer," in the event

that said prior patent later: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable; (3) is found invalid by a court of competent jurisdiction; (4) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; (5) has all claims canceled by a reexamination certificate; (6) is reissued; or (7) is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

Please charge Deposit Account No. 23-1660 in the amount of \$130 to cover the fee for the terminal disclaimer under 37 C.F.R. § 1.20(d). Please charge any deficiencies or credit any overpayment to Deposit Account No. 23-1660.

Respectfully submitted,

/Tara M. Hartman/

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Dated: July 23, 2007

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CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))	
I hereby certify that this correspondence is, on the date shown below, being:	
<input type="checkbox"/> deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, Alexandria, VA, 22313-1450.	<input checked="" type="checkbox"/> transmitted by via EFS web filing System
<div style="text-align: right;">_____ Signature /Deborah A. Tomaszewski/</div>	
Date: <u>July 23, 2007</u>	<div style="text-align: right;">_____ Deborah A. Tomaszewski (type or print name of person certifying)</div>